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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  PAMELA KIRBY,

12                  Plaintiff,

13                  v.

14                  NANCY A. BERRYHILL, Deputy  
15                  Commissioner of Social Security for  
16                  Operations,

17                  Defendant.

18                  CASE NO. 3:18-cv-05595-RSM JRC

19                  REPORT AND  
20                  RECOMMENDATION ON  
21                  STIPULATED MOTION FOR  
22                  EQUAL ACCESS TO JUSTICE  
23                  ACT FEES

24                  Noted for May 6, 2019

16                  This matter has been referred to United States Magistrate Judge J. Richard Creatura  
17 pursuant to 28 U.S.C. § 636(b)(1) and Local Magistrate Judge Rule MJR 4(a)(4) and as  
18 authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261, 271–72 (1976). *See* Dkt.  
19 2. This matter is before the Court on plaintiff's Stipulated Motion for EAJA Fees. Dkt. 24.

20                  Based on the Equal Access to Justice Act, 28 U.S.C. § 2412 (“EAJA”), the stipulation of  
21 the parties (*see* Dkt. 24), the attorney declaration and fee itemization (Dkts. 24-2, 24-3), and the  
22 relevant record, the undersigned recommends that EAJA attorney's fees of \$604.16 be awarded

1 to plaintiff pursuant to the EAJA and consistent with *Astrue v. Ratliff*, 560 U.S. 586, 588–89  
2 (2010).

3 The Deputy Commissioner should contact the Department of Treasury after the Order for  
4 EAJA fees is entered to determine if the EAJA fees are subject to any offset. If it is determined  
5 that plaintiff's EAJA fees are not subject to any offset allowed pursuant to the Department of the  
6 Treasury's Offset Program, then the check for EAJA fees should be made payable to Amy  
7 Gilbrough, based on plaintiff's assignment of these amounts to plaintiff's attorney (*see*  
8 Declaration of Pamela Kirby, Dkt. 24-4). If there is an offset, the remainder should be made  
9 payable to plaintiff, based on the practice of the Department of the Treasury (*see, e.g.*, Case No.  
10 2:15-cv-122, Dkt. 22, at 4). Any check for EAJA fees should be mailed to plaintiff's counsel,  
11 Amy Gilbrough, at 1904 Third Ave., Suite 1030, Seattle, Washington 98101.

12 Because the parties have stipulated to the payment of attorney's fees, as set forth above,  
13 the undersigned further recommends that this report and recommendation be immediately  
14 approved.

15 Dated this 6th day of May, 2019.

16   
17 J. Richard Creatura  
18 United States Magistrate Judge  
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